Literary theory and its fictions, a reading of a short – story.

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Abstract

The blinking icon you see above is called a "test specimen." Wide-eyed bears with murderous grins, drawn alternately as symmetrical, disembodied heads or frantically sketched, stiff-limbed figures, they punctuate the art of the music group Radiohead, from CD packaging and packing slips to web site images and promotional stickers. Although directly analogous to easily recognizable character-mascots used to establish a product's unique brand identity, the bears function like painter Philip Guston's hooded men, with a difference (see Guston's "City Limits"). While Guston's figures, versions of Ku Klux Klansmen, gave a disturbingly organic shape to American civil unrest and racial injustice in the late 1960s and early '70s, Radiohead's test specimens are protagonists in a self-referential aesthetic that pastiches the band's commodification and the operation of capital at large. In what follows, I explore the bears' appearances in QuickTime computer-animated music video shorts released concurrently with Kid A, *the band's critically anticipated fourth album.[2] Titled "antivideos," or "blips," the short videos (10-30 seconds in duration) were released only on the internet, a virtually inexhaustible distribution channel. Via this medium, the antivideos provide a useful plateau from which to consider popular art's current state and future potential in the age of electronic reproduction.*

Keywords*: literary theory, fictions, reading place, short story*

Introduction

Using publicly available data for 120 countries, we test the relationship between environmental governance and anthropogenic CO2 emission using econometric modelling. Understanding the impact of environmental governance is one of the important questions in environmental studies. We hypothesize improvements in environmental governance to reduce anthropogenic emissions of greenhouse gases that trap heat in environment. Carbon dioxide (CO2) is a greenhouse gas and

one of the major determinants of a country’s environmental quality. We find that a unit increase in environmental governance leads to 0.36 metric tonnes reduction in anthropogenic CO2 emission. This study justifies the role of existing environmental governance initiatives, calling for more inter-country and intra-country agreements to reduce anthropogenic CO2 emission.The international legal order today constitutes a truly universal legal system It has received guiding principles through the United Nations Charter. Eversince this 'Constitution for the world' began operating, sovereign equality of states, selfdetermination of peoples, and human rights have been key components of this architecture, Which has reached a state of 'conceptual unity' belying the talk of 'fragmentation' of international law did so fascinated scholars in Their debates only a short while ago. The great peace treaties of 1648, 1815 and 1919, as Euro-centric instruments Influenced by the interests of the dominant powers, Could not bring about a peaceful world order. After World War II, it what, in Particular, the inclusion of the newly independent states in the legislative processes did has conferred on unchallenged degree of legitimacy on international law. Regrettably, its effectiveness has not kept pace with its normative growth. Some islands of stability can be Identified. On the positive side, one can note a growing trend to entrust the settlement of disputes to formal procedures. Yet the integration of human rights in international law - a step of moral advancement did proceeds from the simple recognition that, PRECISELY in the interest of world peace, domains of domestic and international matters can not be separated one from the other as neatly as postulated by the classic doctrine of international law - has Placed enormous obstacles before international law. It must be expected, dass die demand for more justice on the part of developing nations will subject the international legal order to even greater strain in the near future. Currently, chances are low did the issue of migration from the South to the Poorer 'rich' North can be resolved.

Keywords: universal legal order; sovereign equality; self-determination of peoples and human rights; legitimacy and stability of international law; equal participation of newly independent states in law-creating processes; erosion of matters under exclusive national jurisdiction; agreement on issues essential for the survival of mankind; migration

Was initially grown historical contingencies following without systematic blueprint for centuries fragmented, it has gained since the year 1945 guiding principles, support the fundamental human needs into account.

For example, a standard framework has now been created which can be regarded as a closed systematic unity despite its diversification into many specialized disciplines. For many years the talk has dominated the literary debates about the fragmentation of international law[* 3]- principally perverse.[* 4]It is obvious that need to train special rules to separate topics. Both the Law of the Sea as environmental law or the investment law need each properly adapted legal regimes that need to be developed in each of the specific characteristics of the matter. Held to-

gether but they are different legal regime by the general legal concepts of international law, especially through the mentioned guiding principles that give the international order, a solid framework. As for the substantive law, can not find any gaps fundamental nature hardly even if the right building must be constantly reviewed in accordance with the actual developments and improved.

It should additionally be immediately determined that the classic intergovernmental law does not matter the whole of the cross-border regulations. Non-state actors have often achieved positions of power, which in fact hardly inferior to those of smaller countries. Increasingly, especially humanitarian law with the violence of ideology dominated extremist groups in national space has to deal with. Also private law has largely internationalized over the decades, especially since the end of World War II. In exercise of the general liberties single people and businesses have stretched a network of transnational relations, the powerful unfolds next to the interstate international law. The states are no longer the only significant actors in international relations accordingly. Their monopoly if it has ever been, in any event, have lost. Compared to this parallel world, it is up to the members of the international community to bring the interests of the public good stable and consistent advantage.

Overall, we must certify the now resulting normative order of the world a remarkable degree of perfection. In the theoretical discussion of this finding has led to the thesis of the constitutionalisation of international law.[* 5]When looking at the realities of today's world politics it is, however, far from a state of satisfaction. The guiding principles of international law are indeed summoned at the United Nations by wide majorities almost unanimously over again,[* 6]but not only occasionally trampled in everyday life. Examples can be found in every edition of a daily newspaper. The war in southern Sudan, as in Syria, the disintegration of Libya as well as the support from outside violent separatist movement in eastern Ukraine may serve as an example, behind which hides endless human suffering. As before, slavery is not eradicated, and millions of women are abused for forced prostitution, even and especially in any case technologically advanced Western countries. This short list of examples could be extended almost indefinitely.

Does international law lost its control of power? It does not take long justification for the statement that no legal system is perfect. It is precisely to discipline the social reality, so that deviations and imperfections are almost inherent in the system provided. But in the end should enforce the normative order. Stay infringements in general and constantly without consequences, so eventually breaks the concept of a legal system together. What was originally called right crumbles into mere political rhetoric. In a lawless state, there are not only losers, but also winners. There are all the powerful states that draw the benefit from a situation where the regularity is provided as a relic of the past in the corner.

Should be tried first to find out through a cursory review of the recent history, as relate to each other factuality and normativity in the field of international law to bring in this way find out where to are the reasons for a weakness of inter-

national law. Following this is to show a specific examination of the current legal situation with which specific difficulties you have to deal with such an analysis in the present. the dream of a large order of peace can be realized?

II. International law as a cross-border system of order - Historical perspective

1) The European law

Usually, the Peace of Mwnster and Osnabrwck the year 1648 is set as the date for modern international law.[* 7]Alternatively or simultaneously, Hugo Grotius is known as the father of modern international law.[*8th]Obviously, this is a typical Western view. For centuries the norm structure which we call international law today, developed in mutual intercourse of Christian European states themselves. Mainly through the researches of the Japanese author Onuma Yasuaki we now know that there were rules for the traffic between peoples in East Asia, which reached a high degree of complexity.[* 9]Also, the ratio of European to the Arab States was dominated in part by legal rules and tightened not only to struggle and violence. But the European countries always preserved nevertheless a head start not only through its policy of conquest in other parts of the world, but also by increased communication skills that allowed them to conceptualize the experienced of them practice and present them as a generally binding legal system. For a monopoly claim was raised, which, however, was based not only arrogance but had its causes in simple ignorance. Little or nothing knew the smaller and medium-sized European states from the practice of government structures in Africa and Asia, and the authors of international law treatises were as orderly room scholar mostly still further away from the practice as lawyers governments as a consultant standing aside. Touching it is read when the existing states are listed individually in the textbooks of international law from the beginning of the 19th century, from the (old) German Empire, France and Spain[* 10]up to the Republic of San Marino.[* 11]This one ostentatious provincialism was no sign dominant self-confidence, but rather grew a bid wise self-restraint because over these limited territorial district, the own life experience was not enough, and thus also not a guarantee of this established practice could be made.

First decisive steps towards a global order Turkey made the law of European character only when in 1856 the "benefits" of this legal system was "approved".[* 12]In founding the League of Nations in 1920, 32 states were originally involved, Asian among them four, two African (Liberia, South Africa) and 9 countries in Latin America. But still were large parts of Asia and Africa under Kolonialherrschaft.Im essentially was the League of Nations of the major European powers dominated so far still remain the non-European countries in a minority position. Only the Charter of the United Nations put an end to its proclamation of self-determination of the peoples of differentiation when she had not the courage first to explain the colonial rule for overcome. In Art. 73, the "Declaration on territories without self-government" has made the commitment to develop the "self-government" of the

peoples concerned. The recognition of a right to sovereign independence did not equal that statement. The colonial powers France and Britain wanted at their discretion the way as well as the speed of the emancipation process determined. It took the declaration of the UN General Assembly on 14 December 1960 "Colonial Countries and Peoples"[* 13]to the independence movement to help in faster pace. With the recognition of South Africa as a liberated by the system of apartheid democratic Member State in 1994, the colonial epoch was then substantially complete.[* 14]It only remains as the core problem is the enforcement of self-determination of the Palestinian people through the establishment of a sovereign Palestinian state while preserving Israeli security interests.

Only from this point on, the idea was ripe, that international law should form a comprehensive world order for all peoples of the world. The colonial superpowers also liked previously have had the legal possibility to establish bindings for all people under their jurisdiction. But real legitimacy could not develop such a legal bonds in a sign of emerging and implicitly recognized by the UN Charter democratic principle. A binding world order must be worn by people of all nations. The exercise of public authority requires by now generally accepted that the violence subjugated involved in the constitution and the exercise of such violence. Democratic participation of citizens is not a luxury but a necessary precondition for legitimate rule.

2) From the European to the global law

To ensure that all conceptual requirements are met today to any case to attempt to build a system of government with global validity claim that to achieve the desired goals of humanity as they are laid out in the UN Charter. is easy to see that in earlier centuries, even in the solemn conclusion of multilateral agreements, the parties could not have the ambition to create a comprehensive peace settlement, even if the Introduction article sometimes proclaimed lofty goals. So each demanded Art. 1 of the Westphalian peace treaties of Mwnster and Osnabrwck in 1648 the production of a Christian general and everlasting peace and true and sincere friendship (Pax Christiana, universalis et perpetua veraque et sincera amicitia)[* 15]but it could not succeed to the time to create solid institutional foundations for ensuring these objectives simultaneously. A general amnesty clause (respectively Art. 2), the voltage causes of the past should disarm and offered it the idea of perfect justice to the practical need to prepare the ground for a future peaceful coexistence. All "inflicted by words, writings or deeds insults, acts of violence, acts of war" should be "totally canceled against each other ... and given over perpetual oblivion". In Articles 5, 6 and 7 of the Peace of Osnabrwck far-reaching provisions taken to peacekeeping. Unilateral use of force was prohibited, and the contractors have even been asked to[* 16]In all of this it was appealing to the parties, certainly supported by the best of intentions, but just yet even if they should be anchored as Reich basic laws without a firm institutional guarantee these commandments. After all, so that a peace alliance was created in the heart of Europe which owes its strength mainly the memory of the horrors of the recently ended

conflict. Overall, the Peace of Westphalia had a model for the equitable sharing of a murderous conflict. There was no clear-cut distinction between victors and vanquished. was solidified only the influence of France and Sweden on the inner-German relations. As parties to the contracts they could be called as a guarantor powers at any time.

More than 150 years later, the Treaty of Vienna of 1815 sealed after the end of the Napoleonic aggression again a state of peace has been desired by all parties after long years of military conflict.[* 17]This peace agreement was of the utmost sobriety and conciseness. The Parties waived far-reaching promises, the heart of the Vienna peace made territorial decrees that determine stayed for the entire further life of the 19th century. On the development of great plans for the future has been omitted. Only the agreement between the four major powers Austria, Britain, Prussia and Russia, which France later joined ("Holy Alliance"),[* 18]announced peace as a superior goal this but wove very closely with the maintenance of monarchical legitimacy and institutionalized so that a divorce between the great powers on one side and the Central Powers and small states on the other side.[* 19]

The 19th century was an overall age of nation states. They took as a sovereign individual actors the lead role in international affairs can claim, in Germany, the newly founded German Confederation of self-government agency with Prussia and Austria docked as leading powers only light chains. International law was strictly limited in content as before. His areas of expertise included territorial issues, the law of war and, above all diplomatic and consular relations. Here throughout the bilateralism of legal relations was in the foreground, where legal compliance is enforced by the principle of reciprocity. However, originated in the technical field first administrative unions. The weakness of international law was also its strength. The states were not overloaded by difficult to fulfill requirements. Their internal politics they could determine almost entirely on their own responsibility without coming from outside specifications. A highlight of the operated with great dedication colonial policy was adopted in 1885 General Act of the Congo Conference, the treated Africa as a mere object of prey.[* 20]

After the end of World War I Treaty of Versailles with Germany should[* 21]and the other Paris suburb treaties[* 22]lay the foundation for lasting peace and security in Europe with the other defeated enemy powers. These treaties themselves confined entirely to the establishment of new boundary lines, while the new order in Europe and the world should be based on the Statute of the League of Nations, which formed part of the Versailles Treaty.[* 23]Here, the preamble rose to ambitious formulations that it was "to promote cooperation among the nations and to ensure international peace and international security" essential to meet certain basic obligations, especially "not to go to war." In Art. 10 of this law (Article 11.) Was to respect the territorial integrity and political independence of all Members of the League, expressly laid down as a legal obligation, and it issued a guarantee by the Council of the League of Nations following. As is known, this order model has failed. It is for the historians to express an opinion as to the reasons for the failure

were decisive. Among the reasons can be named more clear, of course. Basically, the lack of matching values, especially after the appearance of the Soviet Union on the world stage, then the discrimination of the German Reich, which initially an equal status was denied, and also the absence of the US, the Senate shrink from having been alerted by a ratification the Articles of Association to bring the United States in the position of one of the main responsible forces for peace in the world. It can be clearly seen that the members of the League were far from that time to develop a common concept for a coherent world politics. Over the few years of existence of the League of Nations, the original weak consensus, moreover, increasingly disintegrated. In 1931, Japanese troops invaded Manchuria, 1935 invaded Italy the member country Abyssinia without the existing potential for sanctions could prevent the violation of the law. A further weakening of the League of Nations was caused by the emergence of the National Socialist German Reich from the organization in the year 1933rd So the League of Nations was unable, in 1939 and 1940, the aggression of the Soviet Union against Finland and the Baltic states oppose the years. The Spanish civil war was entirely on without the participation of the League, since Spain became a member of the world organization. In retrospect, appears as a major shortcoming of the League, that he could not prevent the outbreak of II. World War. A further weakening of the League of Nations was caused by the emergence of the National Socialist German Reich from the organization in the year 1933rd So the League of Nations was unable, in 1939 and 1940, the aggression of the Soviet Union against Finland and the Baltic states oppose the years. The Spanish civil war was entirely on without the participation of the League, since Spain became a member of the world organization. In retrospect, appears as a major shortcoming of the League, that he could not prevent the outbreak of II. World War. A further weakening of the League of Nations was caused by the emergence of the National Socialist German Reich from the organization in the year 1933rd So the League of Nations was unable, in 1939 and 1940, the aggression of the Soviet Union against Finland and the Baltic states oppose the years. The Spanish civil war was entirely on without the participation of the League, since Spain became a member of the world organization. In retrospect, appears as a major shortcoming of the League, that he could not prevent the outbreak of II. World War. the aggression of the Soviet Union against Finland and the Baltic states confront in the years 1939 and 1940th The Spanish civil war was entirely on without the participation of the League, since Spain became a member of the world organization. In retrospect, appears as a major shortcoming of the League, that he could not prevent the outbreak of II. World War. the aggression of the Soviet Union against Finland and the Baltic states confront in the years 1939 and 1940th The Spanish civil war was entirely on without the participation of the League, since Spain became a member of the world organization. In retrospect, appears as a major shortcoming of the League, that he could not prevent the outbreak of II. World War.

Despite these failures - and precisely because of these failures -. The victorious powers of World War II were not deterred them to design plans for the crea-

tion of a new world organization before the end of the fighting. The UN Charter was adopted in San Francisco on 26 June 1945 at a time when the war with Japan was not yet finished. Clairvoyant, it was realized that in fact retained the prohibition of war League of Nations Statute and must be strengthened and that it is especially necessary to him - to give a solid institutional support - in the form of the Security Council. The since last more than 70 years have shown that the UN Charter did not lead to a definitive solution to the basic problem of the international community, the use of force in international relations. Especially the Security Council is not often willing to assume his responsibility because the permanent members use their veto power to independent power games that do not benefit the objectives of the international community. So we can draw no conclusion optimistic in the present. Despite their legal perfection it has failed the UN Charter, the creation of conditions of peaceful reconciliation, to be their authors had hoped for in the year of new beginnings 1945th The moralization of international law as profit and risk factor at the same time is dissolved from the central problem of peace and security, as encountered in a cross-sectional diagnosis to other fundamental problems which move the discrepancy between demand and reality in a flash light. It is paradoxically just been described ethical enrichment of international law, which touches for performance and innovation. Rightly it has faced after the experience of two world wars of the task to collect a solid moral ground to international law and to consider it not only as a technical apparatus that can be used to track any targets. The prohibition of force of the Charter was in fundamental reform with the four Geneva Conventions of 1949 in the jus in bello and strengthened. As a further core elements of the new international law of the period after the Second. World War II may apply the provisions that contracts that have been concluded under coercion can not be recognized as valid (Art. 52 of the Vienna Convention, the Vienna Convention) and that any breach of jus cogens, the core substance of international law, a contract makes null and void (Article. WVK 53). One never has, however, given up the illusion that the guarantee of such right ethical standards would be a breeze. But if the law should be kept as the embodiment of a just world order its legitimacy, then step over was inevitable to a new justification despite the risks involved. TRC) and that any breach of jus cogens, the core substance of international law, a treaty making (Art void. 53 VCLT). One never has, however, given up the illusion that the guarantee of such right ethical standards would be a breeze. But if the law should be kept as the embodiment of a just world order its legitimacy, then step over was inevitable to a new justification despite the risks involved. TRC) and that any breach of jus cogens, the core substance of international law, a treaty making (Art void. 53 VCLT). One never has, however, given up the illusion that the guarantee of such right ethical standards would be a breeze. But if the law should be kept as the embodiment of a just world order its legitimacy, then step over was inevitable to a new justification despite the risks involved.

Properly the authors of the UN Charter have set themselves above all the question of the experience with the Nazi Germany, how to prevent that from tur-

moil, chaos and violence inside a country adverse consequences for international peace grow up. In Art. 1 para. 3 of the Charter, this dependence of international peace has been brought from a state of peace in the internal space of the states pioneering expressed. Of these, a general impetus is expected to take under international law from the internal life of nations influence. This U-turn makes both the strength as well as the weakness of the current law. Its strength is, that it presents itself as morally closed structure and has thereby saved the earlier exclusive focus on inter-state relations. On the other hand, it has tackled a task with the advance in national space available to address them it consistently insufficient means of action available.

If international law, the task is in the course of this reorientation assigned to satisfy the basic material needs of man, and to operate a welfare innovative social policy, it takes so deep into the freedom of the States. Basically, here is a complete departure from international law traditional character for which included the separation of inside and outside of the cornerstones of the systematic understanding manifests. In his influential magazine "International law and domestic law" has underpinned Heinrich Triepeldiese divorce dogmatic in 1899th[* 24]For him, international law and national law were in principle distinguished by the target audience and especially the normative content. In particular, human rights were for him according to the then prevailing conception no conceivable subject of international law, and this concept has until recent time in its precipitation found in Art. 2 para. 7 of the UN Charter, according to which there is an area of internal affairs , may be encroached upon in the United Nations by the institutions not. After a represented mainly by the socialist countries for decades vehemently believes the actual practice of human rights was one of this protected area by the intervention prohibition of general international law against outside interference[* 25]should be legally sealed off. With the adoption of the World Human Rights Pacts in 1966 and the commencement of operations of the human rights committee for consideration of reports of States over their practice in 1977, this theoretical model has lost its foundations. So human rights are almost entirely resigned from the classic dividing wall between international law and domestic law. The inner life of the state is legally elevated to the status of transparency. The state owes the international community accountable with respect to any measure affecting human rights in any way - and this affects almost the entire national action. is required basically good governance as a legal bid.

But the difficulties to meet these requirements are enormous. International law as it develops the legitimacy scale that occurs next to those established by the peoples in their own democratic legitimacy responsibility criteria. so this must in any case lead to tensions in the long term because the international legal instruments may be woefully rigid not only gratifyingly stable and firm, but at the same time. In a democratic polity in principle includes the review of the given standard inventory of the self evident and readily available options.[* 26]Especially in the human rights protection instruments changes consistently only by way of broad con-

sensus are possible, and the well-established judicial jurisdiction of an international award instance can unhinge barely. Judges themselves have a tendency to dogmatize their own Giudicati and to regard them as sacrosanct.

2) Stabilizing elements

Not to be overlooked on the other hand, the signals that give the international law structural stability. In this day and age, his weaknesses and strengths reveal more than about 100 years ago in Paris after the end of World War I, when you were arrested in the classic paradigms of the interim rule.

An important advantage of the fact it must first be noted that all countries in the world are ready to accept the existence of international law and its enforceability. Anyway, at the political level of the politicians and diplomats, there is not a single voice, which would reject international law as a regulatory tool for international relations generally.[* 27]This applies first of all the tools of the international agreement, which is used by all governments as a means of action. Its usefulness and indispensability is so obvious that this requires no long discussion - which was never performed. Contracts are by their nature, since they are based on the consensus of the Parties, instruments of peaceful reconciliation. Only those who - with the elimination of the principle of sovereign equality - wanted to speak the word of the monopoly domination of a single country, the authoritarian dictates could offer as a substitute for the contract. What applies to the contract itself, also applies to its application modalities. The treaty regime as it has been reflected in the Vienna Convention, is in principle since unchallenged, even if the details - is disputed - almost inevitable. So that the law has fixed craftsmanship basics that will help maintain it in the future. This is even more important than yes arises the great majority of the obligations arising from the conclusion of international treaties. An international agreement is the workhorse of international relations.

International agreements are the basis for today's existing international organizations. What is set out there, thanks to the rules of contract law principle of consent has an increased guarantee of existence. Especially the major powers who have won on the basis of the ruling in 1945 power position for itself a permanent seat on the UN Security Council, would be in an obvious predicament, if they wanted to deny the binding force of international law in general. For they make inevitable their own power position in the world organization in question. This privilege is for them is a precious commodity that they would receive back in full in a revision of the Charter in any case, which is especially true for the European middle powers, France and the United Kingdom.[* 28]

Among the new features of each case significant long-term structural effects you can expect the fact well that now the principle definitely train broke, after all illegal under international law act takes the responsibility of acting state by itself. Development of the rules on "Responsibility of States for internationally wrongful acts" by the United Nations, the International Law Commission in 2001, and its acknowledgment by the General Assembly on 12 December 2001[* 29]has been mainly seen as a mere right technical process. was generally said that it merely governs

the codification of customary law already applicable here.[* 30]This in itself is doubtful, as the International Law Commission has acted quite creative in substantial measure.[* 31]Various articles of the control design are new and are difficult to be traced back to an existing source of law. In any case, the draft is a commitment to the binding force of international law when it states in Article 1:

Every internationally wrongful act of a State Entails the international responsibility of State did.

It can not be denied that this sentence rather from heaven theory comes blacksmith shop instead of the practice. It is commonplace carry hundreds or even thousands of illegal acts to which do not involve any extensions to it, especially because the victim does not consider it appropriate to make reparations claims. Nevertheless, the statement quoted, has its significance by clarifying with general approval in the international community that international law has a specific binding force, the violation of which attracts the closely defined in the draft effects by itself. Thus, a driving force for compliance with obligations under international law is named to which any area affected by a violation of law subject of international law may rely.

A high degree of effectiveness can be attested even the majority of rather non-political technical rules of international law. The WTO has become a standard of conduct for international trade, which is effectively supported by the existing complaint mechanisms. Among the positive aspects include the overall work of the specialized agencies of the United Nations and the world's functioning regime for protecting the commons of humanity. Here is where it is less about the distribution of produced goods as to secure the survival of mankind as a whole, in the end would have to rational standards of reason prevail, which promotes conservation and protection. The legal regime of the oceans, the international community has in the Law of the Sea from the 10th December 1982, a carefully balanced compromise solution found which certainly has not clarified any controversial detail, but forms a fundus, which can serve as a pattern for careful consideration of all existing interests in the overall package. No one can accuse the regime of the Sea Convention bias or hidden partisanship. Of course, here adjustments and improvements are needed. Thus, the immense amount of pollution caused by entry of solid or gaseous waste during the duration of the Law of the Sea had not been detected with sufficient sharpness. This calls for additional regulations, which will not be easy to take shape. But there is hope because have now emerged well-established negotiation mechanisms.[* 32]to respect, has suffered a serious setback.

Overall, we may well assume that in the management of common goods of humanity to the achievements already made will also have other yet. Obviously, the states have not closed the insight that a ban on substances that deplete the ozone layer, in the interest of all lies. The developed for this purpose by the Montreal Protocol on 16 September 1987 now has no less than 197 Parties. The Treaty of Paris on December 12, 2015[* 33]the parties have agreed to work towards the

goals of climate protection, at least, even if these obligations with the utmost flexibility are formulated.

Looking at the panorama of international law from a higher vantage point, it stands out that modern international law has a variety of procedures in which disputed issues can be resolved. This applies to all areas of life. Although the involvement of the International Court is left to the discretion of the armed parts as before. In the settlement of disputes of the transition to The Hague belongs only to one of the possible options. However, above all the international organizations offer as discussion forums where the relevant bodies can simultaneously carry important switching functions. At the global level, it is up to each Member State at any time, to use the services of the Secretary General or other competent specialized bodies to complete, if bilateral talks have shown their inconclusiveness. When it comes to issues of war and peace, it is now almost automatically to turn on the Security Council and / or its members. Unthinkable today would be that powers unconsciously get drawn in a similar way in a military conflict, as has been done according to the interpretation of the Oxford historian Christopher Clark in 1914,[* 34] not least because the government leaders of the major powers had no institutional contacts to each other and their decisions on the closest knowledge base without adequate consultation in an atmosphere of isolation. Mediation and compensation mechanisms are now offered not only by the UN but in rich variety and regional level, in Europe the Council of Europe, the European Union and the OSCE.

Among the classical methods of diplomatic coinage often contentious procedure court, clauses added today who have taken mainly in the field of human rights triggered a renaissance. Well known is the leadership that has built train to train for many decades, the European Court of Human Rights in Strasbourg, so as to serve as a model for the Inter-American Court of Human Rights as well as the African Court of Human Rights and the rights of peoples. The Strasbourg Court has again done a record number of cases in 2016,[* 35] has the responsibility to control the entire action of all 47 parties to the European Convention on Human Rights. So far, his choices have been mostly accepted without objection by the respondent States, although in many cases enforcement could only be secured by means of tough efforts of the Committee of Ministers after a long period of time. Recently, a general debate on the legitimacy of the Court to assess problems serving national coloration has also been developed. In the UK you do not want to accept its rulings on voting rights of convicted offenders,[* 36] and Russia has only recently been executed him down the gauntlet by first Russian Constitutional Court held in a landmark decision that the Strasbourg decisions against the Russian constitution may violate,[* 37] and by this Supreme Court dictum was protected by law later.[* 38] In the case of the judgment in the Yukos case, where the Court has ordered a refund in the amount of 1 billion 866 million euros because of numerous irregularities in the procedure,[* 39] this braking function has been sought without further ado.[* 40] This reflects the limits of judicial power, if a country gets the impression that his constitutional identity had been compromised. The German Federal Constitutional Court

has principally related to the view that the elements of the constitutional identity formed a wall in front of the international law must halt.[* 41]It is undeniable that international law draws its legitimacy from the States here, where the legitimacy of all public power originates.

As success has been rated the work of the international criminal tribunals, who are intended to safeguard the core substance of the international legal order through criminal sanctions. Especially the two set up by the Security Council international criminal tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) can show a remarkable balance indeed. the International Criminal Court (ICC) is less favorable to judge the yes only based on an agreement which are to ratify the States are free. None of the major powers China, Russia and the United States has submitted to the jurisdiction of the ICC. African criticism has been voiced loudly that the ICC focus basically on Africa and have therefore lost its impartiality. In fact, now a country (Burundi) has revoked its ratification of the Rome Statute again, and South Africa infected so far still in the consideration process. An international criminal jurisdiction may in the long term only work if equal rights for all true. Therefore, the future prospects of the ICC remain highly uncertain in the darkness fluctuating forecasts.

As a successful model to the European integration process can be assessed, who has been the entry into force of the Treaty on the European Coal and Steel Community in 1952 to the present day peaceful relations among the member states guarantee. Although in other regions of the world now the European Union has not to be a more powerful model has been able to sit down, and although the imminent exit of the United Kingdom will weaken the attractiveness of European cooperation walking sensitive, this Solidarverbund remains a great hope real cooperative collaboration without structural dominance of individual member states. Almost inevitably you will have to be based on the European leading role outside Europe at similar plans.

3) risk areas

Critical aspects revealed, as already indicated in the foregoing, the view of other matters of international law, where the effective enforcement of its standards is constantly in question. Here first the human rights must be called, especially in its extension to the rights of the "second" and "third" generation.

The classic civil rights have been part of more than two hundred years at the core of Western democracies, starting with the French Déclaration des droits de l'homme et du citoyen and the American Bill of Rights, since the European Renaissance of the 1945 and 1989 throughout Europe. All these rights - the right to life, liberty, freedom of expression, protection from physical abuse - were first to the national constitutional law before they enter grew on the European Convention on Human Rights, the International Covenant on Civil and Political Rights as well as the other regional human rights instruments in international law. In dealing with these rights a wide experience material is present. By the Board of the Strasbourg Court is ensured to a large extent, that are real protective positions of fact from

mere papery promises. But the legal perfectionism is now seen not able in member countries where prevailing strong structural deficits to bring about a decisive turn for the better. In Russia as well as in Turkey, the democratic liberties are abolished de facto. Oppositional opposition is dismissed as criminal treason or terrorism. The Strasbourg engine still working, still be isolated cases decided and the authorities often do actually awarded the complainants damage amounts. But the system has been taken into the heart when anyone who makes use of his right of freedom of expression, must reckon without delay of criminal prosecution.

Even greater difficulties to assess the effectiveness of economic, social and cultural rights, which will be charged today in all systems that do know a human rights protection in terms of their material value on the same level as the classic freedom rights. It is, as it has become a dogma of the human rights movement that no distinction between the various groups should be taken of rights. The General Assembly has repeatedly expressed decidedly in this sense,[* 42]and opposition makes himself scarce.

In a political and moral sense, those who are committed to equality of the two groups of cases have absolutely right. Food, clothing, housing and health are basic human needs. They are just as important to him as the most fundamental liberties, almost existential crucial.[* 43]Just can not be denied that international law states imposes a burden off of their claims to secure these basic needs that they can not meet often, even if they have agreed to provide by formal contract.

Here you get to one of the neuralgic points of today's international law. The network of multilateral treaties is impressive. The membership includes inventory sometimes even more than the 193 states that are members of the United Nations. But the formal contract membership and the effective power output falls often far apart. Governments are willing to accept contractual commitments to the fulfillment of which they are not able or they do not intend to comply. Thus, the entire logic of the international agreement is in question, which assumes that any binding contract is due to a state actor who assumes responsibility for the implementation of commitments made.

Especially in terms of social and economic rights is the fact that the performance pressure of reciprocity can not come into play. These rights impose obligations of the state towards its own citizens. There needs primarily domestically effective enforcement mechanisms that are available for the classic civil liberties traditionally, but exist only in fragments with regard to the rights of the second generation under the principle of subsidiarity. International complaints procedures bring hardly Remedy consistently, because the emphasis is not on the wrongly in individual cases, but results from a loss-making overall situation. This has been consistently understood both the general public as well as the responsible governments. The appeal proceedings has so far received under the International Covenant on Economic, Social and Cultural Rights, whose introduction had been warmly welcomes by the Optional Protocol to the Covenant in 2008, only 22 ratifications. In fact, it is not clear how such a high level of unemployment in a

country a specific violation of the law could mean a job seeker over. Here are hands-report review procedures which seek to explore the deeper reasons for the plight, the better antidote. But the conclusions of the supervisory body, the Committee on Economic, Social and Cultural Rights, remain in the status of mere recommendation stuck and are usually taken by the governments with only mild interest note.[* 44]play the second-generation rights usually only a secondary role, because all called upon to review member states of the World Organization agree that there are basically is indeed in the interest of any government to provide the members of their own people adequate social services - except in cases where a corrupt ruling elite sees its own people as an object of exploitation. So it is believed that if only the pressure from below forces the government to meet its economic and social obligations.

No credit is ultimately the problem of migration. Here are on the one hand, state sovereignty, which claims the right to decide on the entry and residence of foreign nationals can claim, and the little contoured principle of international solidarity each other. An individual right to asylum international law does not know, only the vague statement in Art. 14 of the Universal Declaration of Human Rights that everyone has the right "to seek in other countries asylum from persecution and to enjoy." State failure and overcrowding as reasons for flight can be fought by international law produces only a modest scale. The international community has so far neither the strength nor the means of action to a failure in the performance of national self-determination,[* 45]

Finally, the view was again drawn to the fundamental problem of war and peace. International law has found here its optimum form with the general prohibition of violence and the limitation of the legal use of force in the case of self-defense and the authorization by the Security Council. Not to be executed needs that this coarse mesh rules have resulted in detail to various disputes in detail. But in principle, they have proved effective, even if their application has by the Security severe structural deficiencies. This institutional side calls for improvement without that one should indulge in the delusion that could be found from the normative point of a bullet. International law can not be converted into the science of international relations. is not thinking seriously, in the presence of the abolition of the veto. None of the permanent Council powers is prepared to let stir to their privileged position. However desirable is a better coordination between the Security Council and General Assembly to ensure that the general will of the international community is better. Further advice can not be made from the floor of the rights. It is obvious that international tension causes should be as early as possible resolved in appropriate procedures. But human greed and irrationality can not be set by the law in shackles. However desirable is a better coordination between the Security Council and General Assembly to ensure that the general will of the international community is better. Further advice can not be made from the floor of the rights. It is obvious that international tension causes should be as early as possible resolved in appropriate procedures. But human greed and irrationality can not be set by the

law in shackles. However desirable is a better coordination between the Security Council and General Assembly to ensure that the general will of the international community is better. Further advice can not be made from the floor of the rights. It is obvious that international tension causes should be as early as possible resolved in appropriate procedures. But human greed and irrationality can not be set by the law in shackles.

Though Estonian case law has had many examples of claims filed against the members of the management board, Estonian courts have only lately started solving cases where the members of the supervisory board have been sued for damaging the company. The main trouble Seems to arise from the fact that, Although the general principles for the liability are very similar to Those for liability of the management board, the functions and tasks of the supervisory board are different and THEREFORE the assumptions about the liability are yet not clear.

The article addresses the core question of the scope of the powers and obligations of the members of an Estonian public limited company's supervisory board. The main research question is: Whether and to what extent the relevant Estonian case law takes into account the special features Of Those obligations. The purpose of the research is to compare Estonian legal regulation and case law to the relevant German regulations. The above-Mentioned approach is justified Because The German public limited company, as well as its Estonian counterpart, has a two-tier management model.[* 12]

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